

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

—
Sun Life Assurance Company of Canada,

Court File No. 07-CV-03877 (DSD/SRN)

Plaintiff,

vs.

John R. Paulson, The Atticus Fund, LP,
Coventry First, LLC, Erwin B. Johnson,
LLP as Trustee of the Orca Finance
Trust, Michael J. Antonello, and Thomas
M. Petracek,

**PLAINTIFF’S MOTION TO
CERTIFY A QUESTION OF LAW
TO THE MINNESOTA
SUPREME COURT**

Defendants.

Plaintiff Sun Life Assurance Company of Canada (“Sun Life”) brings this motion to certify the following question before the Minnesota Supreme Court:

Does Minnesota law require evidence of an agreement between the insured/policy holder and an entity lacking an insurable interest at the time the life insurance policy is procured in order to establish that a policy is void ab initio for lack of an insurable interest?

Plaintiff’s motion is based upon the files and records contained herein, together with submittals and arguments of counsel.

Dated: October 3, 2008

Respectfully submitted,

KRASS MONROE, P.A.

s/ Terrance J. Wagener

Terrance J. Wagener

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Attorneys for Plaintiff

KM: 4811-5965-2610, V. 2